

**Witness Statement**

I, Nathan Smith, 37000 SE Trudel Rd, Sandy Or 97055  
 (Name) (Address & Telephone #)

make the following voluntary statement to Tonja M. Pardo  
 (Investigator)

who has identified herself to me as an investigator for the Veterans' Employment and Training Service, U.S. Department of Labor, and who has advised me that she is conducting an investigation pursuant to 38 U.S.C. Section 4301 *et. seq.*, and/or predecessor Federal veterans' reemployment rights statute(s). I understand that my statement and identity will be kept confidential to the maximum extent possible under existing law.

1. I am Command Sergeant Major (CSM) Nathan Smith. I am currently the CSM with the 301<sup>st</sup> Maneuver Enhancement Brigade, Army Reserve Joint Base Lewis McChord (JBLM). I have been in the military since 1983. My responsibilities in the unit are senior enlisted advisor the commanding general.

2. Craig Shelton indicated that he understood that you spoke to his employer about his military orders; inclusive dates are February 9, 2012 for 6 days of active duty. Do you recall speaking to anyone from Gerber Legendary blades regarding Mr. Shelton's military commitment? Yes. I don't remember the name of the person who called, but he identified himself as Craig Shelton's immediate supervisor. The individual was very upset during the call and it was not a pleasant conversation.

3. What was the content of the discussion? The individual called and was very upset that SGM Shelton would be taken away from the job for 4 days. He was desperately trying to get SGM Shelton released from military duty. I tried to explain why SGM Shelton needed to be there for military duty as he is my backup. Explained briefings were preliminary briefings to an upcoming briefing in Chicago. He was required to be there in case something happened to me. He said I don't have a back-up and that I need him here. He made a reference to SGM Shelton being a essential to his project, something about a business plan and needed him at work. The individual said he was upset and wasn't happy he would lose him for 4 days. He expressed concern that he would lose Shelton again. His tone of voice was unhappy.

4. Did employer ask that Craig Shelton be relieved from the February 9, 2012 duty for work reasons? Yes. He said it had something to do with next year's business plan and was needed at the company. We spoke for 20 minutes. Specifically, he was upset that he was losing him and in my opinion he thought 4 days was too much time to be gone. I tried to explain the short notice change because the duty originally was only supposed to be a few days. I explained it was rare that we would tack on an additional days before hand and gave him the assurance that it would not be a weekly occurrence. I couldn't give guarantee that it wouldn't ever happen again however.

5. Do you recall any statements made by the caller regarding Shelton being considered for any adverse action or leading you to believe adverse actions were planned? I do not recall any statements about that. He seemed desperate to have him at work and I was flabbergasted that he was terminated that following week.

I have read (or have had read to me) the foregoing statement of 2 page(s). Each page has been numbered and I have initialed each correction. I declare (or certify, verify or state) under penalty of perjury under the laws of the United States of America that this statement is true and correct to the best of my knowledge.

/s/ Nathan Smith Date: 30 March 12  
 Witnessed: Tonja M. Pardo Date: 30 March 12  
Tonja M. Pardo

**EXHIBIT B**

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Exhibit

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6. In your opinion, did the individual express any anger or emotion about the upcoming military duty? He wasn't ranting or raving, but his tone of voice and use of words phrases indicated that he was upset. My impression was they were working on something at work and he didn't like the short timing of the notice. He seemed more upset with the timing of the duty; he made reference to working on next year's business plan.

7. Did Mr. Shelton make previous requests to not attend military training and instead work? Shelton made it known that he was preferred to do civilian job over certain military training. A lot of time, he wouldn't be able to be at military duty because was working for Gerber. There were a couple times he wasn't able to do extra things, such as attend an important conference once, but he didn't miss essential, scheduled duty. The conference was subsequently cancelled and therefore the fact that he could not go did not have any negative impact.

8. Did you have any discussion with (name) about Mr. Shelton's future or upcoming military obligations? He asked about how much and how often it was going to happen with the unit. My assumption is that he was talking about the short notice.

9. Did you talk with Mr. Shelton about your conversation with the Gerber caller at any time? Yes. Later that evening told him that he spoke to his boss and was not happy. Craig's response was that he thanked me for the information and feedback. At the time, it didn't seem like it was that big of a deal because the supervisor didn't indicate termination was an issue. Supervisor was very upset. The guy I spoke to said he was in the Oregon Guard in the past and I felt he should have known how these things work.

10: Any other comments:

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/s/

Date: 30 MAR 12

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Tonja M. PardoDate: 30 MAR 12Page 2 of 2

Exhibit